

**Notice of Allowability**

Application No.	Applicant(s)
10/712,444	YOUNGNER ET AL.
Examiner	Art Unit
David Turocy	1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 11/15/2006.
2.  The allowed claim(s) is/are 1-5, 8-13, 21-27, 29 and 31-33.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

**EXAMINER'S COMMENTS**

1. The examiner notes the drawings, filed 4/27/2006, were not entered because the after final amendment, filed concurrently, was not entered. The applicant is advised to resubmit the drawings, similar to those submitted on 4/27/2006, for entering on the record. Additionally, the examiner notes the drawings, submitted on 4/27/2006, were non compliant because they failed to identify the submission as replacement sheets in accordance with 37 CFR 1.121(d).

***Response to Amendment***

Applicant's amendments, filed 11/15/2006, have been fully considered and reviewed by the examiner. In view of the amendments and supporting arguments, the examiner has withdrawn the 35 USC 112 1<sup>st</sup> paragraph rejection to claims 8, 11, and 12. Claims 1-5, 8-13, 21-27, and 31-33 remain pending in the instant application.

**Allowable Subject Matter**

2. Claims 1-5, 8-13, 21-27, 29 and 31-33 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:

Claim 21: None of the prior art cited or reviewed by the examiner alone or in combination teaches or reasonably suggests forming a microelectronic mechanical device using the process steps as claimed.

Claims 1 and 27: The closes art cited or reviewed by the examiner is Youngner et al, US Patent 6900702, discloses covering the rubidium with aluminum (Column 3), however, none of the prior art cited or reviewed by the examiner discloses providing a reactive material comprising gallium, rubidium, or cesium and then subsequently enclosing the reactive material with tungsten or aluminum as claimed by using evaporation and a shadow mask for deposition of both materials.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Turocy whose telephone number is (571) 272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



TIMOTHY MEEKS  
SUPERVISORY PATENT EXAMINER

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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